

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIDLAND INNOVATIONS, NV,

Plaintiff,

v.

WEILAND INTERNATIONAL INC., et
al.,

Defendants.

Case No. 07-mc-80257-CW

ORDER DENYING WEIPING CHEN'S
MOTION TO VACATE RENEWAL OF
JUDGMENT

(Dkt. No. 152)

On August 18, 2017, Plaintiff Midland Innovations, NV filed a notice of renewal of its judgment against Defendants and Judgment Debtors Weiland International Inc. (Weiland) and Wen Wang pursuant to California Civil Procedure § 683.160. Docket Nos. 145, 146, 147, 148; see also Docket No. 1. On August 21, 2017, the Clerk of the Court signed the notice of renewal of judgment. Docket No. 149. On August 28, 2017, Third Party Weiping Chen moved to vacate the renewal of judgment. Docket No. 152. As Plaintiff points out, however, Chen lacks standing to vacate the renewal of judgment against Defendants Weiland and Wang. California Civil Procedure § 683.170(b) provides: "Not later than 30 days after service of the notice of renewal pursuant to Section 683.160, the judgment debtor may apply by noticed motion under this section for an order of the court vacating the renewal of the judgment." Because Chen is not a

1 judgment debtor named in the original judgment,¹ see Docket No. 1,
2 she lacks standing to oppose the renewal of judgment. Citibank
3 Int'l v. Collier-Traino, Inc., 809 F.2d 1438, 1441 (9th Cir.
4 1987) (holding that district court properly refused to consider
5 merits of nonparty's motion to vacate renewal of judgment).
6 Accordingly, Chen's motion to vacate the renewal of judgment is
7 DENIED.

8 IT IS SO ORDERED.

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10 Dated: January 5, 2018



11 CLAUDIA WILKEN
12 United States District Judge
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27 ¹ Rather, Chen and Defendant and Judgment Debtor Wang held
28 title to a property located at 2956 West Castle Pines Terrace,
Dublin, CA 94568, on which Plaintiff recorded an Abstract of
Judgment.